

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA14/0919
Description of development:	Torrens Title Subdivision x 17 Residential Lots (Proposed Lot 2248 Thornton Drive)
Classification of development:	N/A

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1195 DP 1171491
Property address:	Coreen Avenue, PENRITH NSW 2750

### DETAILS OF THE APPLICANT

Name & Address:	UrbanGrowth NSW PO Box 237 PARRAMATTA NSW 2124
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### DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	10 September 2014
Date the consent expires	10 September 2016
Date of this decision	10 September 2014

## POINT OF CONTACT

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If you have any questions regarding this determination you should contact:

Assessing Officer:	Clare Aslanis
Contact telephone number:	(02) 4732 8195

## NOTES

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### **Reasons**

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

### **Conditions**

Your attention is drawn to the attached conditions of consent in attachment 1.

### **Certification and advisory notes**

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

### **Review of determination**

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

### **Appeals in the Land and Environment Court**

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

### **Designated development**

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

### **Joint Regional Planning Panels**

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

## **ATTACHMENT 1: CONDITIONS OF CONSENT**

### **General**

- 1 The development must be implemented substantially in accordance with the Subdivision Plan numbered 07210L44 [02], drawn by Craig & Rhodes, dated 17th December 2013 and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the approved plan and by the following conditions.

### **Utility Services**

- 2 Prior to the issue of a Subdivision Certificate, the following service authority clearances shall be obtained:
  - a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water;
  - a letter from Endeavour Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
  - a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

### **Subdivision**

- 3 Prior to the issue of a Subdivision Certificate, submission of the original Linen Plan and ten (10) copies shall be made.

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan. All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

4 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:

a) Restriction that the lots shall not be developed as individual lots but as street block groupings or as pairs (in the case of Lots 123 and 124) by house and land package builders. The dwellings on the lots are to be constructed in accordance with the architectural plans approved via DA \_\_\_\_\_.

b) Easement for access, maintenance and overhang 900mm wide as nominated on the approved subdivision plan.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user and easement.

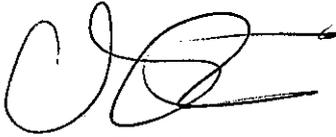
5 A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

6 Prior to the issue of a Subdivision Certificate, dwelling designs for each integrated housing lot shall be submitted and approved by Council through separate development applications.

### Certification

7 A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding. The parent lot shall be registered prior to, or concurrently with the proposed allotments.

### SIGNATURE

Name:	Clare Aslanis
Signature:	

For the Development Services Manager

## ADVISORY NOTES FOR SUBDIVISION OF LAND

These advisory notes have been developed for your information and should be read in conjunction with Penrith City Council's Notice of Determination issued for the development.

1. A Construction Certificate is required for all road works, drainage works, site regrading and filling works that are shown on the approved plan(s) accompanying the Notice. This is to be obtained before you commence any earthworks on the site. You can apply to Penrith Council or an appropriate accredited certifier for the Certificate.
2. If Penrith Council is the Principal Certifying authority for the development, an inspection regime should be obtained from Council.
3. An inspection request to Penrith Council should be made at least 24 hours (by phone) or by the weekday before the inspection is required, and the approval fee must be paid for.
4. Major Utilities "Dial Before you Dig Service". Damage to underground cables, pipework and other utility services are a serious problem. Damage to major underground utilities can be avoided by calling the "Dial Before you Dig Service" on 1100 and follow simple guidelines provided by the operators on this telephone number. Individuals and companies who do not follow these simple procedures may be found to be financially liable for damage cause to major utilities.
5. As part of all construction works, you need to liaise with appropriate authorities and providers, which include (but not limited to) Integral Energy or energy suppliers, Sydney Water, a telecommunications provider, Australia Post, WorkCover Authority, other relevant State as well as Federal Government departments.
6. All land filling activities are to be carried out in accordance with the requirements of Penrith development Control Plan 2006. The proponent is to ensure that a Validation Certificate is provided for all fill material.

Revised 9 January 2013

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